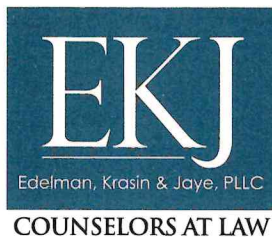


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KARA M. ROSEN ++
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+ADMITTED IN NY & DC
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March 14, 2023

VIA ECF
Hon. Jesse M. Furman
United States District Court
Southern District of New York
40 Centre Street, Room 2202
New York, NY 10007

Application GRANTED. The initial pretrial conference, currently scheduled for March 22, 2023, is hereby ADJOURNED to April 19, 2023, at 9:00 a.m. The Clerk of Court is directed to terminate ECF No. 35.

SO ORDERED.

March 15, 2023

RE: LAVIOLETTE V. DOUGLAS DEOTTO et al
CIVIL ACTION NO. 7:22-cv-6244

Dear Hon. Jesse M. Furman:

Please be advised that this firm represents the plaintiff in this action, Rinaldo Laviolette. I write this letter with the review and consent of all parties. As you may recall, the plaintiff's allegations in this case is that Plaintiff sustained severe personal injuries after being shot in the face by defendant Douglas DeOtto, an off-duty police officer employed by Defendant New York City and the New York City Police Department on March 5, 2022. Issue has been joined in this matter.

Thus far, counsel for all parties have complied with the local rules of this case, a Local Civil Rule 83.10 "Plan" case and have exchanged discovery.

The plaintiff is respectfully requesting a thirty (30) day adjournment of the proposed case management plan and joint letter due on Thursday, March 16, 2023 and Initial Conference scheduled for March 22, 2023. As an initial matter, the undersigned is scheduled to commence a trial in New York Supreme Court, Nassau County tomorrow, March 15, 2023, Robert Coleman v. County of Nassau, et. al., 609016/2017 before the Honorable Conrad Singer. It is anticipated that the trial will last approximately two (2) weeks.

Additionally, as this Court is aware, the Suffolk County Police Department, (the Law Enforcement Agency in charge of the Investigation of the March 5, 2022 shooting) has objected to any disclosure in this matter as the investigation is on-going. This Court denied the plaintiff's

motion to compel the Suffolk County Police Department to comply with a subpoena as, according to Local Civil Rule 83.10, other discovery is stayed. The Court denied plaintiff's motion without prejudice until such stay expires or is otherwise lifted. See Order of 12/13/2022 [ECF Document 21].

While the Local Rules call for broader discovery after a mediation or settlement conference, it appears that, without information from the Suffolk County Police Department, any such conference would very likely be fruitless.

The undersigned has reached out to the Suffolk County Police Department to inquire as to the stage of its investigation over the last two months, but, to date, has not received an answer. Thus, it is the intention of the undersigned, considering the current stage of discovery, to ask leave of the Court to lift the 83.10 stay. Defendants City's position, as set forth in its letter submission dated December 12, 2022, is that, this action should be stayed until the underlying criminal matter has been resolved.

The parties jointly request, therefore, an adjournment of the letter and conference due on March 16, 2023 and March 22, 2023, respectively, for thirty (30) days so that plaintiff may receive some clarity on the stage of Suffolk County Police Department's investigation, and in light of plaintiff's trial schedule.

The parties jointly thank the Court for allowing it to address the Court in this matter.

Very truly yours,



DANIEL J. SOLINSKY

CC:

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